

REMARKS

Claims 1-44 are pending in this application. In the Office Action, Fig. 1 and claims 9, 25 and 35 were objected to. Claims 9-11, 13, 25 and 35 were rejected under 35 U.S.C. §102 as being allegedly anticipated by U.S. Patent No. 6,138,157 ("Welter"). Claims 1-3, 5-8, 14, 15, 17-23, 26-29, 31-34, 36 and 38-44 were rejected under 35 U.S.C. §103(a) as being allegedly obvious over Welter in view of what was characterized as "Applicant's Admitted Prior Art." Claims 4, 12, 16, 24, 30 and 37 were rejected under 35 U.S.C. §103(a) as being allegedly obvious over Welter in view of U.S. Patent No. 6,327,622 ("Jindal").

The foregoing objections and rejections are respectfully traversed, in part, for reasons including those set forth in Amendment A, which was filed on April 7, 2004. This supplemental response is being submitted to address the objection to Fig. 1.

Drawing Objection

The objection to Fig. 1 is respectfully traversed because the data network illustrated in Fig. 1 may be used for implementing the present invention. As noted in the specification:


According to a specific implementation, the Server Health Monitoring Procedure may be implemented by a health monitoring device or agent such as agent 106a of FIGURE 1. It will be appreciated that the health monitoring technique of the present invention may be used to monitor the health of any network device which transmits data that conforms with a standardized or recognizable format. For purposes of illustration, it is assumed that the Server Health Monitoring Procedure 200 of FIGURE 2 is used to monitor the health of a particular server (e.g. 106a) of the load-balanced server farm 110 of FIGURE 1.

(Specification at page 9, lines 14-21.)

Therefore, Applicant's attorney respectfully requests that the objection to Fig. 1 be withdrawn. Applicant's attorney hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee for such

extension or any further fee required in connection with the filing of this Supplemental Amendment is to be charged to Deposit Account No. 500388 (Order No. CISC186).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Roger S. Sampson
Reg. No. 44,314

P.O. Box 778
Berkeley, CA 94704-0778